



ANALYSIS

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1988, No. 121

An Act to amend the Animal Remedies Act 1967

[28 July 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Animal Remedies Amendment Act 1988, and shall be read together with and deemed part of the Animal Remedies Act 1967 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting in the definition of the term "animal remedy", after paragraph (a), the following paragraph:

"(aa) Testing any animals in relation to any disease; or"

(2) Section 2 (1) of the principal Act is hereby further amended by omitting from paragraph (c) of that definition the words "productivity, or appearance", and substituting the words "or productivity".

(3) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term "prescribed", the following definition:

"'Prescription animal remedy' means a remedy that is for the time being declared by the Board under section 22A of this Act to be a prescription animal remedy:".

(4) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “use”, the following definition:

“‘Veterinary consultation’, in relation to the administration, prescribing, or dispensing of any prescription animal remedy by a veterinary surgeon to or in respect of any animal, means—

“(a) An examination of that animal by that veterinary surgeon; or

“(b) The obtaining by that veterinary surgeon of sufficient information about that animal, being an animal in the immediate care of that veterinary surgeon, to enable that veterinary surgeon to make an informed decision with respect to the administration, dispensing, or prescribing of a prescription animal remedy to or in respect of that animal.”.

3. Appointment of officers—Section 16 (2) of the principal Act is hereby amended by inserting, after the words “a temporary analyst”, the words “or a temporary inspector”.

4. Prescription animal remedies—(1) The principal Act is hereby amended by inserting, after section 22, the following section:

“22A. (1) The Board may, on the issue of a licence, or at any time thereafter by notice in writing to the holder of the licence, if it thinks it is desirable to do so having regard to the nature of any animal remedy, declare that animal remedy to be a prescription animal remedy of 1 of the following classes:

“(a) Class I prescription animal remedies, being those remedies that, subject to the succeeding provisions of this section, may be administered to an animal only—

“(i) By a veterinary surgeon; or

“(ii) Under and in accordance with the authority or prescription of a veterinary surgeon:

“(b) Class II prescription animal remedies, being those remedies that, subject to the succeeding provisions of this section, may be administered to an animal only—

“(i) By a veterinary surgeon; or

“(ii) In the presence and under the direct control of a veterinary surgeon:

“(c) Class III prescription animal remedies, being those remedies that, subject to the succeeding provisions of this section, may be administered to an animal only by a veterinary surgeon.

“(2) Subject to subsection (3) of this section, no prescription animal remedy shall be administered to, or prescribed or dispensed in respect of, an animal except following a veterinary consultation in respect of that animal.

“(3) Nothing in this section shall apply to the administration of any prescription animal remedy to any animal by any person who is, or who belongs to a class of person that is, specifically authorised by regulations made under this or any other Act to administer that remedy.”

(2) Section 21 (6) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Where the Board declares the animal remedy to be a prescription animal remedy, the fact of that declaration and the class of prescription animal remedy specified in the declaration.”

(3) Section 22 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Board may, if it thinks desirable to do so having regard to the nature of the animal remedy, impose a condition in any licence issued by it restricting the remedy named in the licence from being sold—

“(a) To any person other than—

“(i) A veterinary surgeon; and

“(ii) A dealer; and

“(iii) A person who is, or who belongs to a class of person that is, specifically authorised by regulations made under this or any other Act to administer that remedy; or

“(b) Otherwise than pursuant to the prescription of a veterinary surgeon.”

5. Transfer of licences—(1) The principal Act is hereby amended by inserting, after section 26 (as amended by subsection (2) of this section), the following section:

“26A. (1) Where the licensee of any animal remedy ceases to be the manufacturer or, as the case may be, the importer or distributor of the animal remedy, the licensee shall notify the Registrar in writing to that effect and shall surrender the licence to the Registrar with that notice.

“(2) On application by any person who has acquired such rights in respect of that animal remedy as would entitle the person to apply for a licence to manufacture or, as the case may be, to import or distribute the remedy, the Board, may, instead of requiring the applicant to seek a new licence in accordance with the foregoing provisions of this Act, reissue to the applicant the licence surrendered under subsection (1) of this section, if the Board is satisfied—

“(a) That the applicant does not intend to alter the remedy in any material way; and

“(b) That there are no reasonable grounds for cancelling the licence under any of paragraphs (a), (c), and (g) to (k) of section 28 (1) of this Act; and

“(c) That the remedy still conforms to the standards prescribed by this Act or any regulations made under this Act; and

“(d) That the premises, plant, or techniques used or proposed to be used in the manufacture of the remedy are still or will be adequate for the production of a safe and efficient remedy, and that the staff employed or to be employed in the production of the remedy are or will be suitably qualified.

“(3) The reissue of any licence under subsection (2) of this section shall be subject to such conditions relating to the alteration of any label in respect of the animal remedy as may be required by this Act or any regulations made under this Act.

“(4) Where the Board reissues a licence under this Act, the Registrar shall—

“(a) Make an appropriate entry in the register of licences kept and maintained under section 31 of this Act; and

“(b) Publish in the *Gazette* a notice containing the following particulars:

“(i) The trade name of the animal remedy:

“(ii) The name and principal business address of the manufacturer or importer or distributor who surrendered the licence:

“(iii) The name and principal address of the manufacturer or importer or distributor to whom the licence is reissued:

“(iv) The number of the licence and the date of its reissue.

“(5) On and after the reissue to any person of a licence under this section, that person shall be deemed for all the purposes of this Act to be the licensee of the animal remedy.

“(6) Every licensee commits an offence and is liable on summary conviction to a fine not exceeding \$100 who fails, without reasonable excuse, to comply with subsection (1) of this section.”

(2) Section 26 of the principal Act is hereby amended by adding the following subsection:

“(5) Nothing in this section shall limit or affect the Board’s powers to reissue a licence under section 26A of this Act.”

6. Revocation and suspension of licences—Section 28 (1) of the principal Act is hereby amended by inserting, after paragraph (n), the following paragraph:

“(na) That the licensee has failed or refused to pay any fee payable by the licensee in respect of the licence in accordance with any regulations made under this Act; or”.

7. Labelling—Section 36 (1) of the principal Act is hereby amended by repealing paragraph (j), and substituting the following paragraph:

“(j) In the case of a prescription animal remedy,—

“(i) The letters (in bold capitals) ‘P.A.R.’; and

“(ii) The expression ‘Class I’ or (as the case may require) ‘Class II’ or ‘Class III’; and

“(iii) A list of the active ingredients of the remedy:”.

8. Offences relating to the sale and use of animal remedies—Section 40 of the principal Act is hereby amended by adding the following subsection:

“(6) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who, without reasonable excuse, administers any prescription animal remedy—

“(a) Otherwise than in accordance with the terms of the Board’s classification made under subsection (1) of section 22A of this Act; or

“(b) In contravention of subsection (2) of that section.”

9. Advertisements—(1) The principal Act is hereby amended by repealing section 41, and substituting the following section:

“41. (1) Subject to subsection (2) of this section, no reference shall be made in any advertisement in respect of an animal remedy to the licensing of the remedy, except a statement that

it has been licensed in accordance with the Board's directions under this Act.

“(2) Every advertisement in respect of a prescription animal remedy shall include the letters and words required by section 36 (1) (j) of this Act to be included in labels on containers of the remedy, the number of the relevant licence, and such other statements (if any) as the Board may direct.

“(3) No advertisement shall be published in respect of an animal remedy that is not licensed under this Act, or that is provisionally licensed under section 24 of this Act.

“(4) Where the Board is satisfied that an advertisement published by the licensee in respect of any animal remedy contains any inaccurate or misleading statement, or otherwise contravenes any of the requirements of this Act or of any regulations made under this Act relating to advertisements, it may direct the licensee to omit or modify the statement, or otherwise amend the statement, in such manner as the Board may determine.

“(5) Where the Board is satisfied that any person has published an advertisement—

“(a) In respect of an animal remedy that is not licensed under this Act, or that is provisionally licensed under section 24 of this Act; or

“(b) That contains any inaccurate or misleading statement,—it may require that person to submit to the Board every advertisement published or to be published by that person in respect of any animal remedy or all animal remedies for which that person holds a licence during such period as the Board may determine or until further notice from the Board.

“(6) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who—

“(a) Publishes any advertisement that contravenes subsection (1) of this section or does not comply with subsection (2) of this section; or

“(b) Publishes any advertisement in contravention of subsection (3) of this section; or

“(c) Fails or refuses, without reasonable excuse, to submit to the Board any advertisement required to be so submitted under subsection (5) of this section; or

“(d) Having submitted an advertisement to the Board when required to do so under subsection (5) of this section, publishes the advertisement without the Board's approval or otherwise than in accordance with the terms of that approval.”

(2) Section 10 of the Animal Remedies Amendment Act 1969 is hereby repealed.

10. Regulations—Section 65 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) Prescribing annual fees in respect of any licences held under this Act:”.

This Act is administered in the Ministry of Agriculture and Fisheries.
